CITY OF KELOWNA

MEMORANDUM

Date: October 6, 2006
File No.: **DP06-0123**

To: City Manager

From: Planning & Development Services Department

DEVELOPMENT PERMIT APPLICATION NO.	DP06-0123	OWNER:	CANADA LANDS CO. CLC LIMITED
AT:	1130 & 1092 ELLIS ST / 1089 SUNSET DR	APPLICANT:	LEDINGHAM MCALLISTER

PURPOSE: TO SEEK PERMISSION TO DEVELOP A MAXIMUM OF 780 MULTIPLE UNIT RESIDENTIAL DWELLING UNITS WITHIN 8 – 4 STOREY RESIDENTIAL BUILDINGS AND 1 – 26 STOREY RESIDENTIAL BUILDING

EXISTING ZONE: RM6 – HIGH RISE APARTMENT HOUSING ZONE
C4 – URBAN CENTRE COMMERCIAL

REPORT PREPARED BY: PAUL McVEY

1.0 RECOMMENDATION

THAT Council authorize the issuance of Development Permit No. DP06-0123 for Lots 2, 3, and 4, DL 139, O.D.Y.D., Plan KAP76304, located on Sunset Drive and Ellis Street, Kelowna, B.C. subject to the following:

1. The dimensions and siting of the building to be constructed on the land be in general accordance with Schedule "A";

2. The exterior design and finish of the building to be constructed on the land be in general accordance with Schedule "B";

3. Landscaping to be provided on the land be in general accordance with Schedule "C" which incorporates the Parks Division comments;

4. The applicant be required to post with the City a Landscape Performance Security deposit in the form of a "Letter of Credit" in the amount of 125% of the estimated value of the landscaping, as determined by a professional landscaper;

5. The registration of the revised flooding covenant on title;

6. Consolidation of Lots 2, 3 & 4 into one legal lot;

AND THAT the issuance of Development Variance Permit No. DVP06-0124 be authorized concurrently,

AND FURTHER THAT the applicant be required to complete the above-noted conditions within 180 days of Council approval of the development permit application in order for the permit to be issued.

2.0 SUMMARY

The applicant is proposing a comprehensive development of the subject property comprising eight – 4 storey buildings, and one 26 storey tower. The two 4-storey buildings proposed to be located adjacent to Ellis Street are designed to be Mixed-Use, commercial and residential.

Associated with this Development Permit application, there is also a Development Variance Permit application (DVP06-0124) which seeks to vary the maximum building height from 16 storeys permitted to 26 storeys proposed, to vary the daylighting standard angle from 65º permitted to 85º proposed, and to vary the amount of off-street parking from 1129 stalls required to 1028 stalls proposed. There has also been a request to vary the south side yard setback, when measured to the parking structure, to allow a 0.0 m setback, where a 4.5 m setback is required adjacent to the proposed Icon Development project.

The associated Development Variance Permit (DVP06-0124) report has been provided separately for consideration at the same meeting as this Development Permit application.

2.1 Advisory Planning Commission

The above noted application (DP06-0123) was reviewed by the Advisory Planning Commission at the meeting of July 4, 2006 and the following recommendation was passed:

> THAT the Advisory Planning Commission supports Development Permit Application No. DP06-0123, for 1092 & 1130 Ellis Street; 1089 Sunset Drive and Lots 2, 3 & 4, Plan 76304, Sec. 25, Twp. 25, ODYD, by Ledingham McAllister Communities Ltd. (Fred Pritchard), to obtain a Development Permit to develop 810 residential units in one, 26 storey high rise building and seven, 4 storey low rise buildings constructed on top of a parking structure;

3.0 BACKGROUND

The subject properties were created as part of the redevelopment of the former CN Railyard. This area was the subject of the “Downtown North Area Structure Plan”, which was commenced in 1996. The land use development patterns identified in that document were adopted into the City of Kelowna Official Community Plan in December 2000.

3.1 The Proposal

This current application for a Development Permit and the associated Development Variance Permit seeks approval for the development of the northern portion of the Canada Lands property with Multiple Unit Residential buildings, and the portion of the

site fronting Ellis Street with Mixed-Use buildings. The Downtown North Area Structure Plan has identified the largest component of the subject properties for RM6 zone uses, while the lands fronting onto Ellis Street are identified for Commercial uses. The Official Community Plan also identifies this same land use pattern.

Site Layout

The site plan submitted in support of this application shows access to the development site coming from Sunset Drive by the use of a driveway located near the northern boundary of the site, near Brandts Creek linear park and walkway. This driveway provides access to a roadway that runs along the top of the parking structure that connects the Sunset driveway through to Ellis Street, at a location across from the intersection of Ellis St. and Gaston Avenue. The roadway is designed to function as a minor vehicle route, while also providing a pedestrian access through the development site. This roadway winds through the centre of the development site, and has a number of "lay-bys" located adjacent to each of the proposed building entrances in order to provide a temporary stopping and drop-off area near the main entrance of each of the buildings. There is a second driveway from Sunset drive located adjacent to the driveway proposed for the "Icon" development. There is a reciprocal access easement agreement registered on this driveway to provide access to this development through the Icon Project property. The driveway locations at both Sunset Drive and Ellis Street are identified with gateway features that are reminiscent of stone and timber railway construction. There is an access ramp to the under building parking garage located near Building 1, (tower) while there is another access ramp located near the north boundary of the site at Ellis Street. The cross section though the parking structure indicates that the parking structure is approximately 2.0 m below grade, with the top of the structure approximately 1.0 m above the sidewalk elevation along Sunset Drive. The edge of the parking structure is tapered down around the perimeter of the parking structure to reduce the elevation difference of the top of the parking structure to finished grade.

Building 1 is located at the northernmost corner of the property adjacent to both Sunset Drive and Brandts Creek trail. The building is designed as a 26 storey, 191 unit high-rise building.

Building 2 & 3, are both "L" shaped, with the open portion of the "L" facing Sunset Drive. This open portion of the "L" wraps around a 2 – 3 unit town homes. The two "L" shaped buildings are joined together with a 196 m² amenity building that provides for communal activity area, as well as an exercise area and change facilities for the adjacent swimming pool and spa. Both buildings are each designed as 4 storey buildings, with building 2 having approximately 76 units, and building 3 having approximately 79 units. There are also 4 townhouses facing Sunset Drive proposed as part of this portion of the development.

Building 4 is located north of building 2 across the internal roadway, and is designed as a 4 storey building with approximately 68 units. The building is designed in a flat "V", to follow the adjacent property line.

Building 5 is located east of building 4, and is in the same general 4 storey configuration with approximately 59 units. The building is designed in a similar flat "V" configuration, except the flat "V" faces the opposite direction, generally following the property line.

Building 6 is designed as a 4 storey building in a "L" configuration located at the west side of the south east corner of the development site, with approximately 84 units.

Building 7 is designed as a 4 storey building in a ”L” configuration located directly north of building 6, with approximately 76 units.

Building 8 & 9 are both designed as a 4 storey buildings in a ”L” configuration, located adjacent to Ellis Street, with one building located on the south side of the roadway, and the other on the north side. Building 8 has approximately 74 residential units and Building 9 has approximately 73 residential units. These two building are designed with a commercial component facing Ellis Street, in order that the two building may be considered as “mixed – use” buildings, as permitted in the C4 Urban Centre zone. The commercial units are designed as “live-work” units, that would be suitable for an artist or sculptor type occupant, where there could be active work going on at the street level to provide an interesting pedestrian oriented facade, while there would be a living area set behind of above.

Parking Structure

The proposed development includes an underground parking structure that is set partially into the ground. It is anticipated that the structure will yield approximately 1082 parking stalls, and 718 bicycle parking lockers.

There has been a variance requested to vary the amount of parking provided from 1129 stalls required to 1082 stalls provided; a variance of 47 stalls. The parking structure is to be accessed from 3 ramps, one located near the north end of the site from Ellis Street, one from Sunset Drive near the south end of the site, and the third located adjacent to the drop-off area near Building 1 (26 storey Tower). The top of the parking structure is sloped down toward the existing grade around the perimeter in order that the edge of the structure is only 0.6 m above grade.

The top of the parking structure is heavily landscaped, to provide a number of water features located throughout the site, as well as a play area designed to look like a railway round-house, located near the Brandts Creek trail head, and a linear “Allee” feature that is reminiscent of a railway, which runs diagonally from the south east corner of the site in a north west direction to terminate in a central court yard near the centre of the site. There is also a raised “water rill” which runs from the amenity building located between buildings 2 & 3, perpendicular to Sunset Drive, terminating at the Brandts Creek trail way. The interior perimeter of the property is heavily landscaped with substantial plantings to buffer the site development from the adjacent properties.

Exterior Finish

The exteriors of the 4 storey buildings are designed to be finished with a blend of horizontal and vertical “hardi-plank” siding materials, as well as areas of the buildings which are finished with a “shingle” style of siding material. The windows and doors are proposed to be a white vinyl finish. The entry areas of each building area identified with timber framed gateway elements, that while incorporating similar features with stone bases and heavy timber framing, also have unique features that will help identify each of the buildings. The roof elements of each of the 4 storey buildings are generally a hip roof design with broad eave overhangs.

The 26 storey high rise building is designed with a blend of architectural concrete and window wall units. The balcony area is finished with a translucent balcony railing. The main entrance to the building is identified with a canopy feature. The mechanical penthouse is finished off with a sloped roof feature that accentuates the front of the

building. The architect has worked with City Planning staff to refine the proposed design of the tower, and in particular the design of the upper floors of the proposed high-rise building in order to reduce the impact of the tower's height variance. The architect has stepped back the upper floors of the proposed tower to create a more tapered appearance, a look that is more in keeping with other high-rise buildings in the neighbourhood. In addition, the design includes "cultured stone" element to the base of the tower similar to the cultured stone elements found in the four storey building located on the site.

The proposal as compared to the RM6 & C4 zone requirements is as follows:

CRITERIA		PROPOSAL	ZONE REQUIREMENTS
Site Area (m²) RM6 portion C4 portion (2 lots) TOTAL SITE AREA		30,071.4 m² 5,803 m² 35,874.4 m²	1,700 m2
Site Width (m)	Sunset Dr. Ellis Street	174 m 106 m	30.0 m
Site Depth (m)		234 m	35.0 m
Site Coverage (%)	RM6 portion C4 portion	32.16% 48.53%	50% max. bldg, prkg & driveways 75% max.
Total Floor Area (m²) RM6 Net C4		53,587.2 m² net 8,600. m² net	
F.A.R.	RM6 C4	1.782 1.482 (mixed use)	Base FAR = 1.5 + bonuses =1.782 Base FAR = 1.3 + bonuses=1.482
Storeys (#)		26 storeys (81.5 m) ❶	16 storeys or 55 m max.
Setbacks (m)			
- Front (Sunset Dr,)		6.0 m	6.0 m min. (RM6 zone)
- Front (Ellis Street)		0.0 m	0.0 m min. (C4 zone)
- North Side to building		4.5 m	4.5 m min.
- South Side to building - South Side to parkade		4.5 m 0.0 m ❸	4.5 m min.
Private Open Space		Balconies 5,118 m² Open space 7,500 m²	12,561 m² open space req'd
Parking Stalls (#)		1028 stalls provided ❷	1129 stalls required
Bicycle Parking Stalls (#)		718 lockers provided	Class I 780 x 0.5 = 390 Class II 780 x 0.1 = 78

Notes;
FAR = 1.5 base + 0.10 bonus open space + 0.182 under building parking = 1.782 FAR
FAR = 1.3 base + 0.182 under building parking = 1.482 FAR (commercial)

Variances requested;

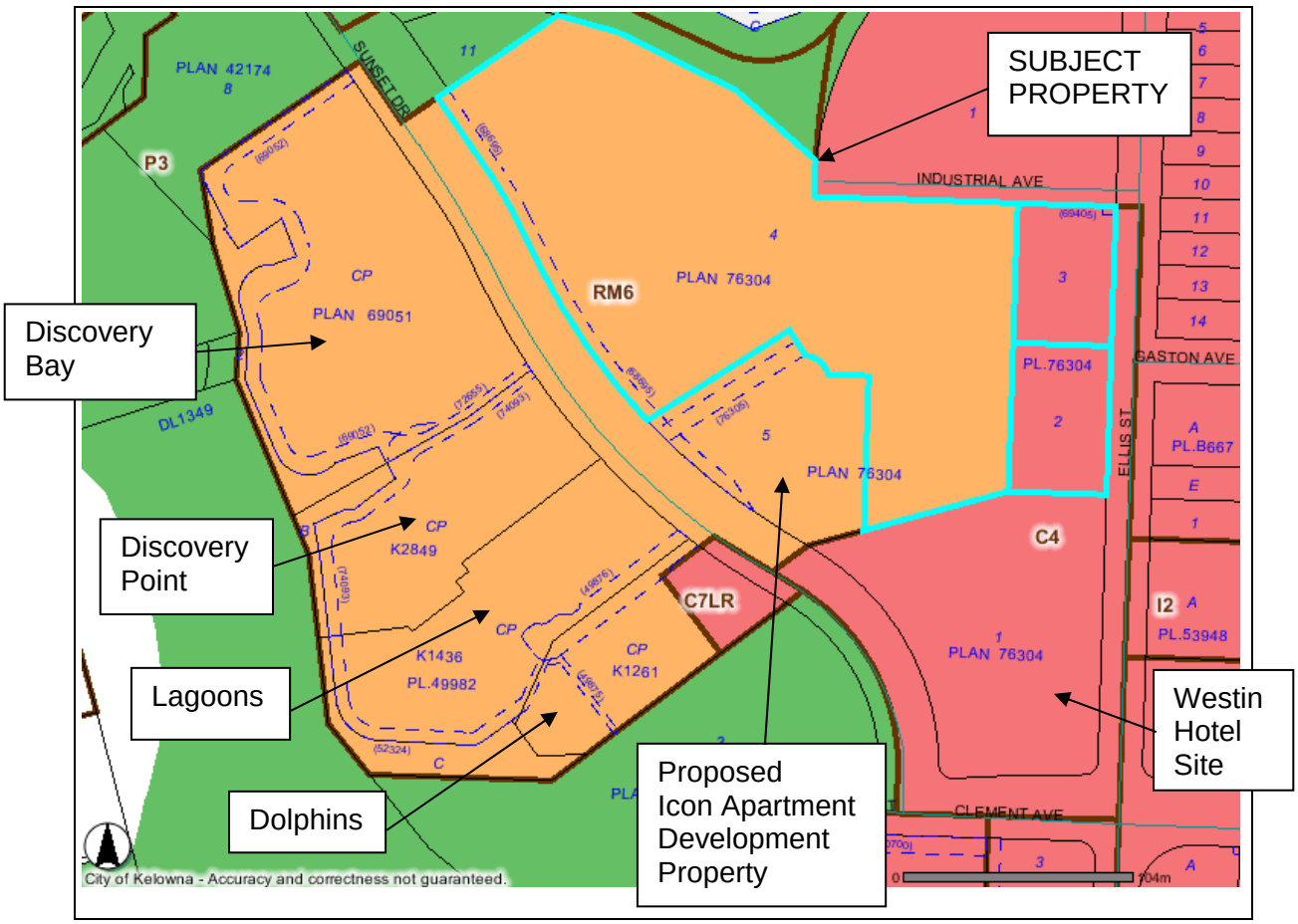
(a) ❶; Vary building height from 16 storeys, and 55m permitted, to 26 storeys and 81.5 m proposed, (a variance of 10 storeys and a variance of 26.5 m)
(b) ❷; Vary the amount of off street parking provided from 1164 stalls required to 1028 stalls proposed (a variance of 47 stalls)
(c) Vary daylighting angle from maximum 65º permitted to 85º proposed
(d) ❸; Vary south sideyard setback to parking structure from 4.5 m required to 0.0 m proposed

Parking and Open Space summary table

Type of units	Quantity Of units	Parking required	Number of stalls Required	Open Space Required	Amount of Open Space Required
Com/Res units	119	1.0	119	15	1785
1 br units	187	1.25	234	12	2244
2 br units	344	1.5	516	18	6192
3 br units	130	2.0	260	18	2340
TOTAL	**780**		1129 Stalls		**12561 m²**

3.2 Site Context

SUBJECT PROPERTY MAP



Adjacent zones and uses are, to the:

North - P3 – Parks and Open Space – Brandts Creek Trail
East - I4 – Central Industrial/Ellis St – Kelowna Ready-Mix plant
South - C4 – Urban Centre Commercial – Pending developments proposed; Icon development and next to it, the proposed Westin Hotel
West - RM6 – Highrise Apartment Housing/Sunset Dr.- Discovery Bay & Pointe

3.3 Current Development Policy

3.3.1 Kelowna Official Community Plan

The Kelowna Official Community Plan designates the subject properties as "Multiple Family Residential – high density" (Lot 4) and "Commercial" future land use (Lots 2 & 3).

The Kelowna Official Community Plan also contains the following statements in relation to Multiple Unit Residential developments:

"Objectives for Multiple Unit Residential Development

- All development should be an appropriate response to its physical context, or anticipated future context where an area is designated for increased density or land use transition in the OCP.
- All development within Urban Centres and Village Centres should contribute to the creation of pedestrian-oriented streets and public spaces (connections, social interaction).
- All development should contribute to a sense of community identity and sense of place (integration of development within larger community, belonging, community cohesiveness).
- All development should facilitate access by, and minimize conflicts among pedestrian, bicycle, and vehicular modes of transportation (access, mobility).
- All development should promote safety and security of persons and property within the urban environment (CPTED).

Guidelines for Multiple Unit Development

In issuing conditions relating to a development permit the City will specify how development permit objectives can be satisfied. This should include consideration of the following guidelines, as examples of how to meet the objectives:

Landscaping

Landscaping should:

- enhance public views
- provide noise buffering
- complement building's architectural features
- enhance the edges of buildings
- screen parking areas from view (with vegetation, berms, low walls, fences etc.)
- provide visual buffers of new buildings
- provide colour
- create shade
- create design interest
- retain required sight distances (from roadways)

- contribute to a sense of personal safety and security
- facilitate access, enjoyment and social activities for all authorized users
- provide equal access for mobility-challenged individuals
- incorporate existing vegetation with special character, historical or cultural significance
- incorporate native plants where practical

Relationship to the Street

- First storey units should ideally provide ground-level access and outdoor amenity space
- The principle front entranceway should be clearly identified and in scale with the development.
- Porches are encouraged where they are part of the established neighbourhood character.

Building Massing

- Developments with multiple, separate buildings should be designed in such a manner that individual buildings contain different, but compatible shapes, masses, and/or exterior finishes.
- Developments should be sensitive to and compatible with the massing and rhythm of the established streetscape.
- There should be no more than a one storey height gain between adjacent uses within 5.0 m of the side property line where the adjacent land has not be designated on the Future Land Use Map for equal or higher density redevelopment in the OCP. Where the adjacent land has been designated for equal or higher density redevelopment the height gain or stepping back guidelines are not applicable.
- Sub-roofs, dormers, balconies, and bay windows should be encouraged.
- Variation between architectural bays within each façade is encouraged.

Walls

- End walls visible from a public street or residential lot should be finished to provide an attractive appearance. Blank or solid walls (without glazing) should not be longer than 5 m. Walls longer than 5 m should incorporate wall detailing that will provide visual interest.

Views

- View corridors should, wherever possible, be preserved.
- Buildings along the lakefront should not be taller than those permitted further inland such that lakefront views are not obscured. Special circumstances may suggest relaxation of this policy to allow for a landmark development that is in the public's interest.

Environmental Considerations

- Projects should be designed to minimize the impacts of climatic conditions such as excessive heat, cold and wind.
- Projects located along arterial roads should be designed to minimize residents' exposure to noise and exhaust emissions.

Crime Prevention

- Guidelines for Crime Prevention Through Environmental Design Guidelines (CPTED) should be followed.

Ancillary Services/Utilities
- Utility service connections should be screened from view or be located so as to minimize visual intrusion.

Amenities
- Appropriate high quality public spaces, which provide links to surrounding areas and open space relief within the development should be encouraged.

Access
- Vehicle access and on-site circulation shall minimize interference with pedestrian movement.

Parking
- Underground parking is encouraged. "

3.3.2 City of Kelowna Strategic Plan (2004)

The City of Kelowna Strategic Plan 2004 describes a vision of what residents hope Kelowna will be like in the future and has identified as one of the themes that overall, residents aspire to live in a community that:
"Embraces the social, cultural and physical well-being of its residents through the delivery of quality services at a reasonable price, the development and maintenance of quality infrastructure and built forms, and meaningful opportunities to be involved in major decision made by the City."

The City of Kelowna Strategic Plan 2004 also states as Goal 3;

> "To foster the social and physical well-being of residents and visitors."

The City of Kelowna Strategic Plan 2004 also states as Objectives for Goal 3;

1. Promote health and wellness initiative.
   a. Develop or support programs that address the needs and engage the energies of seniors.
2. Ensure the availability of fiscal and human resources to provide quality services.
3. Realize construction of housing forms and prices that meet the needs of Kelowna residents.
   a. Work in partnership with housing organizations and finance institutions to monitor the range of housing options required in the City.

3.3.3 Crime Prevention Through Environmental Design

The City of Kelowna CPTED guidelines provide the following for Multiple unit residential building developments;

MULTIPLE UNIT RESIDENTIAL BUILDINGS:

In higher density residential areas, there is a much greater number of public areas to consider. These include shared interior hallways, elevators, laundry rooms and parking areas. However, multiple dwelling buildings don't necessarily mean multiple problems. There's a certain

amount of truth to the old saying; "There's safety in numbers", and with neighbours who take responsibility for each other, there's no reason why a multiple dwelling building or development cannot be a safe place to live.

CPTED Guidelines
Natural Surveillance

- wherever feasible, ground-oriented units enable surveillance over outdoor activity areas and the street;
- building entrances and exterior doors should be clearly visible from the street or by neighbours;
- all doors that open to the outside should be well-lit;
- all four facades of a building should have windows;
- parking spaces should be assigned to each unit located adjacent to that unit, and not marked by unit numbers (a numbered parking space separated from its assigned residential unit might enable pursuit of a victim without enabling surveillance over the space);
- visitor parking should be designated;
- the lower branches of existing trees should be kept at least ten feet (3 metres) off the ground;
- parking areas should be visible from windows and doors;
- parking areas and pedestrian walkways should be well-lit;
- recreation areas, in particular, children's play areas, should be visible from a multitude of windows and doors;
- playgrounds should not be visible from the street in order to protect children from strangers and traffic;
- dumpsters should not create blind spots or hiding areas;
- elevators and stairwells should be clearly visible from windows and doors;
- shrubbery should be no more than three feet (one metre) high for clear visibility;
- buildings should be sited so that the windows and doors of one unit are visible from another;
- stairwells should be well-lit and open to view; not behind solid walls.

Territorial Reinforcement

- property lines should be defined by landscaping or fencing which does not create a visual barrier;
- low shrubbery and fencing should allow visibility from the street;
- building entrances should create a strong sense of identity and presence on the street with the use of architectural elements, lighting and /or landscaping;
- all buildings and residential units should be clearly identified by street address numbers that are a minimum of five inches (12.5 cm.) high, and well-lit at night;

- balconies should be large enough to provide a useable activity area for residents, thereby increasing influence over the adjacent neighbourhood;
- mail-boxes should be located next to the appropriate residences.

Natural Access Control

- balcony railings should never be a solid opaque material;
- entrances into parking lots should be defined by landscaping, or architectural design;
- dead end spaces should be blocked by a fence or gate;
- hallways should be well-lit;
- where feasible, no more than four apartments should share the same entrance;
- elevators and stairwells should be centrally located;
- access to the building should be limited to no more than two points.

Target Hardening

- cylinder dead bolt locks should be installed on all exterior doors;
- where necessary, entrances to parking lots may be monitored by a guard;
- common building entrances should have locks that automatically lock when the door closes;
- common doorways should have windows and be key-controlled by residents;
- door hinges should be located on the interior side of the door;
- door knobs should be 40 inches (1 m.) from window panes;
- sliding glass doors should have one permanent door on the outside and on the inside moving door should have a lock device and a pin.

The applicant has provided a comprehensive “Crime Prevention Through Environmental Design” review report for the proposed project. The applicant has committed to the painting of the interior of the parking structure, for example, with a “white” paint finish in order to increase the ambient interior light level to improve visibility within the structure.

4.0 TECHNICAL COMMENTS

The application has been circulated to various technical agencies and City departments and the following relevant comments have been submitted:

4.1 Environmental Manager

We have concerns with the proximity of the proposed underground parking structure to the Brandt Creek corridor. Greater separation may be needed to ensure the stream corridor is not disturbed during construction.

Elevations of the underground structure are also a concern due to the high water table in this location. The water table is strongly influenced by fluctuations in lake levels. Underdrains of the U/G parking structure need to be well above high groundwater

elevations to minimize potential of damage due to flooding. Raising the U/G parking garage may be necessary. The raised design needs to consider the impacts of this grade change and/or soil retention to minimize impacts to the Brandt Creek corridor. Fill slopes and retaining walls need to have adequate setbacks. These design changes will also need to be reflected in the site's landscape and stormwater management plans.

NOTE;
The applicant has had extensive discussions with the City Inspections Services staff regarding the issue of the proximity of Brandt's Creek, the adjacent wetland, and the Geotech Consultant's proposed means of addressing dewatering the foundation and discharge of this groundwater.

4.2 Fire Department

Fire department access, fire flows and hydrants as per the BC Building Code and City of Kelowna Subdivision Bylaw. Engineered fire flows should determine hydrant requirements. Additional visitor parking should be provided along the 6M roads and no parking signs should be provided. The parkade area is to have standpipes for firefighting purposes.

4.3 FortisBC

No Response

4.4 Inspection Services Department

- Existing covenant to be clarified with respect to underground garage below the 1:200 flood plain as recommended by the City Solicitor.
- Fire department to review project for firefighting requirements for complete project.
- Peer review of geotechnical and structural engineering disciplines.
- Exit analysis from the parkade required in addition to code analysis at building code stage for each building.
- Each individual structure located above parkade to be reviewed for compliance to BCBC1998.
- Separate building permit required for parkade and each building above the parkade.

NOTE: The applicant has had discussions related to the flood plain issues and associated covenant. The applicant has committed to provision of the peer review, complete code analysis and exit analysis as noted above.

4.5 Parks Manager

1. The location of the proposed tower immediately adjacent to the Brandt's Creek Linear Park is of concern to the Parks Division in terms of shadow effects, building scale, overall height and appropriate design.

2. To prevent private/public encroachment, the applicant will be required to delineate the property line adjacent to the parkland. The Applicant shall submit a detail plan showing the landscape treatment to be reviewed and approved by the Parks Division.

3. The development will be required to maintain the boulevards adjacent to the property. Parks has installed turf, trees and irrigation on Sunset Blvd. The development will be required to take over the irrigation and maintenance responsibilities.

4. The proposed plant list includes Sugar Maple and Paperbark Birch, two species that do not thrive in the Okanagan. We recommend substituting with appropriate trees (e.g. Red Maple and Trembling Aspen.)

5. The Applicant needs to identify which tree species are proposed for the Ellis Street boulevard. The Parks Division will review and approve the appropriate tree.

6. Tree Plantings in the boulevard will conform with Master Municipal Specifications (MMCD) Section 02950 and British Columbia Landscape Standard (1997) Section 9.3.

7. Tree plantings in the boulevards shall be installed with root barriers such as "Deep Root" brand, or City-approved equal, installed per the manufacturer's instructions.

NOTE: The applicant has had discussions with the Parks division regarding discharge of ground water from the dewatering of the foundation into Brandt's Creek of the wetland at the mouth of Brandt's Creek. It was noted that the discharge of the ground water will improve the water quality in both the creek and the wetland. The applicant has been working on their landscape plan in the area adjacent to the kiosk in order to address the above noted concerns regarding delineation of the private and public realm near the trail.

4.6 Shaw Cable

Owner/Contractor to supply and install an underground conduit system as per Shaw Cable drawings and specifications.

4.7 Telus

Developer to provide a 4 metre x 6 metre easement at no cost to TELUS for a switching equipment cabinet to service this property and which could serve surrounding properties.

TELUS will require 24 hour access to the switching cabinet.

TELUS will provide underground facilities to this development. Developer will be required to supply and install conduit as per TELUS policy

4.8 Terasen Utility Services

No Response

4.9 Works and Utilities Department

The Works & Utilities Department has the following requirements associated with this development application. The road and utility upgrading requirements outlined in this report will be a requirement of the issuance of a building permit approval, but are outlined in this report for information only.

1. Domestic Water and Fire Protection

   (a) The proposed development site has been pre-serviced with four 200 mm-diameter water services in anticipation that each lot would be developed independently. The developer must engage a consulting mechanical engineer to determine the domestic and fire flow requirements of this development, and establish which of these services can be utilized. Service connections must be kept to a minimum and unused services must be decommissioned and removed at the applicant's cost. Backflow prevention valves will be required. The estimated cost of this construction for bonding purposes is **$ 30,000.00**

   (b) If it is determined that upgrades to the existing water distribution system must be made to achieve the required fire flows, system upgrade will be at the applicants cost and additional bonding will be required.

   (c) Hydrants and emergency access will be required to the satisfaction of the Fire Department.

   (d) Water meters are mandatory for this development and must be installed inside the buildings on the water service inlet as required by the City Plumbing Regulation and Water Regulation bylaws. The developer or building contractor must purchase the meter from the City at the time of application for a building permit from the Inspection Services Department, and prepare the meter setter at his cost.

   The developer must also purchase an irrigation sewer credit meter from the City and prepare a meter setter at his cost.

   (e) Landscaped boulevards, complete with underground irrigation systems, must be integrated with the on-site irrigation system.

2. Sanitary Sewer

   (a) The proposed development site has been pre-serviced with four 200mm-diameter sanitary sewer services in anticipation that each lot would be developed independently. The developer must engage a consulting mechanical engineer to determine the requirements of this development, and establish if any of these services can be utilized, or if a larger service is required. Unused services must be decommissioned and removed at the applicant's cost. The estimated cost of this construction for bonding purposes is **$ 14,000.00**

   (b) The developer must engage a consulting civil engineer to provide a downstream flow analysis check to determine the impact of additional flow contributions on the existing pipe system.

3. Storm Drainage

   (a) Lots 2, 3 & 4 have been pre-serviced with 250mm-diameter storm drainage services in anticipation that each lot would be developed independently. The developer must engage a consulting civil engineer to determine the requirements of the development and site drainage, to

establish if any of these services can be utilized. Unused services must be decommissioned and removed at the applicant's cost. The estimated cost of this construction for bonding purposes is **$ 10,000.00**

(b) The developer must engage a consulting civil engineer to provide a storm water management plan for this site which meets the requirements of the City Storm Water Management Policy and Design Manual. The plan must accommodate the requirements to contain a 1 in 5-year storm event within pipes and identify overland drainage routes for a 100-year storm event and possible provision of storm water retention facilities. The storm water management plan must also include provision of a lot grading plan, and provide on-site drainage containment and disposal systems. The on-site drainage system may be connected to the street drainage system with an overflow services.

(c) It must be understood that the storm drainage systems in this vicinity are relatively shallow as the level of Okanagan Lake influences drainage. The drainage systems are inundated in water at times of high lake levels.

4. Road Improvements

(a) Access driveway and ramp construction will be at the applicant's cost. This work will require curb, gutter, sidewalk removal and replacement. The work must be constructed to City of Kelowna Standards. Re-locate or adjust existing appurtenances if required to accommodate this construction. The estimated cost of this construction for bonding purposes is **$ 20,000.00**

(b) Sunset Drive fronting this development is fully urbanized. Care must be taken to avoid asphalt scaring. Protect existing sidewalks and streetscapes during construction. Replacement of damaged works and restoration will be at the developer's expense. The extent of the restoration works will be determined by the City Engineer once construction is completed.
Provide a performance bond in the amount of **$25,000.00** for the replacement of the sidewalk and damaged off-site street facilities during construction.

(c) Ellis Street fronting these lots must be upgraded by constructing a new curb and gutter and installation or a 2.35 meter width monolithic sidewalk. The cost for bonding purposes is **$36,000.00**

5. Road Dedication and Subdivision Requirements

By registered plan to provide the following:

(a) Lot consolidation.

(b) Register a statutory right-of-way for fire truck access.

(c) Grant statutory rights of way if required for utility services.

6. Electric Power and Telecommunication Services

The electrical and telecommunication services to this building as well as the local distribution wiring must be installed in an underground duct system, and the building must be connected by an underground service. It is the developer's responsibility to make a servicing application with the respective electric power, telephone and cable transmission companies to arrange for these services which would be at the applicant's cost.

7. Street Lighting

Ornamental street lighting including underground ducts has been installed on all roads fronting on the proposed development. It may be necessary to relocate or add new light standards. The cost of this requirement is included in the roads upgrading item.

8. Engineering

Road and utility construction design, construction supervision, and quality control supervision of all off-site and site services including on-site ground recharge drainage collection and disposal systems, must be performed by an approved consulting civil engineer. Designs must be submitted to the City Engineering Department for review and marked "issued for construction" by the City Engineer before construction may begin.

9. Geotechnical Report

As a requirement of this application and building permit approval the applicant must provide a comprehensive geotechnical report prepared by a Professional Engineer qualified in the field of hydro-geotechnical survey to address the following:

(a) Area ground water characteristics, including water sources on the site.

(b) Site suitability for development; i.e. unstable soils, foundation requirements etc.

(c) Drill and/or excavate test holes on the site and install pisometers if necessary. Log test hole data to identify soil characteristics, identify areas of fill if any. Identify unacceptable fill material, analyse soil sulphate content, identify unsuitable underlying soils such as peat, etc. and make recommendations for remediation if necessary.

(d) List extraordinary requirements that may be required to accommodate construction of roads and underground utilities as well as building foundation designs.

10. Survey Monuments and Iron Pins

If any legal survey monuments or property iron pins are removed or disturbed during construction, the developer will be invoiced a flat sum of $1,200.00 per incident to cover the cost of replacement and legal registration. Security bonding will not be released until restitution is made.

11. Bonding and Levy Summary

(a) Bonding

Sunset Drive Frontage	$45,000.00
Ellis St. Upgrading	$36,000.00
Servicing requirements	$54,000.00
Total Bonding	**$135,000.00**

NOTE: The bonding amounts shown above are comprised of estimated construction costs escalated by 140% to include engineering design and contingency protection and are provided for information purposes only. The owner should engage a consulting civil engineer to provide detailed designs and obtain actual tendered construction costs if he wishes to do so. Bonding for required off-site construction may be in the form of cash or an irrevocable letter of credit, in an approved format.

The owner must also enter into a servicing agreement in a form provided by the City prior to 4th reading of the zone amending bylaw or issuance of a building permit.

12. Development Permit, Variance and Transportation Issues

(a) Site Plan

The existing ROW for Sunset drive is about 27m wide. The existing ROW for Ellis Street is 20m wide. Should we be considering a shifting of the development site which would protect for a larger ROW width along Ellis Street, at the expense of a reduced ROW on Sunset Drive?

(b) Site Access / Parkade Access

We expect that there is the potential for significant future redevelopment of the adjacent lands east of Ellis Street. When this occurs, we would expect the need for signalization of Gaston Avenue at Ellis Street. We therefore recommend that this development be configured to protect for this future signalization. This has a particular impact on the applicant's proposed parkade access which is shown directly off Ellis Street, only 50m from the intersection with Gaston Avenue. This parkade access should be relocated to be off the main internal access lane.

The off-street visitor parking for the commercial zoned uses along Ellis Street should be located so as to provide close and convenient access for the customers. The applicant should be aware that the Ellis Street, on-street parking, will likely be lost in the future.

(c) Parking Stalls provided on site

The applicant has requested a relaxation of 135 parking stalls, from that required in the By-Law.

We have concerns about the impact to 'on-street parking' if this applicant is granted this 135 stall reduction in parking, and if the suggested reduction in parking demand doesn't materialize.

Could we find an approach which allowed the development to proceed with the reduced parking inventory, which also contained a provision which required them to deliver the full number of stalls if a problem evolves in the future? This would require the project to be designed with the ability to expand their parking structure. (e.g. along Ellis St. or combination with artist and live/work studios)

Maybe the City of Kelowna would even choose to become a partner in this parking structure. Would it make sense for the City of Kelowna to create some public parking in this project? If the developer has allowed for future expansion of his parkade, and he can later prove he doesn't need it, then the City of Kelowna could choose to buy / construct the extra stalls for public use.

NOTE:
Item 12(a) There would be no benefit to the applicant to receive a reduction in road ROW along Sunset Drive, as there is an existing 1050mm storm drain within a 6m. wide ROW along the Sunset Drive frontage. Unless the storm drain is removed, the land returned to the applicant cannot be used for anything other than landscaping.
Item 12(b) The applicant has committed to review the location of the access to the parking garage.
Item 12(c) The actual number of parking stalls that have been requested to be relaxed is now 101 stalls from Bylaw requirements, not the 135 stalls noted above. The current development plan for the site does not lend itself to an expansion of parking area. There is no opportunity to put the parking structure deeper into the ground owing to the ground water conditions. To place additional parking structure on top of the proposed parking structure would diminish the pedestrian value of the open space areas that have been proposed in the landscape plan.

13. Administration Charge

An administration charge will be assessed for processing of this application, review and approval of engineering designs and construction inspection. The administration charge is calculated as 3% of the total off-site construction costs, not including design. 6% GST will be added.

5.0 PLANNING AND DEVELOPMENT SERVICES DEPARTMENT COMMENTS

The development proposal submitted is an ambitious residential and commercial development proposal that embraces key elements of the Downtown North (Canada Lands) Area Structure Plan. The Area Structure Plan identified 3 potential layouts: towers, mid-rise development, and 4 storey multiple unit residential development. Each of the proposals had its own strong points. This proposal incorporates a mix of low rise buildings and adds one tower to the site plan. The proposed height variance under application does not increase the maximum allowable building area (FAR).

The applicant has been working with their consultants to address as many as possible of the design and servicing issues prior to Council consideration of this Development

Permit. The Development Variance Permit application has been circulated separately from the associated Development Permit in order that the Development Variance Permit could be advertised to affected property owners as part of the required public notification process.

Staff have been working with the architect to refine the design of the tower element of this proposal. The design of the tower has been revised to introduce some step backs and a greater variation to the upper floors of the tower in order to reduce the visual mass of the tower, and to introduce additional elements that create a more tapered tower design, more in keeping with other towers in the area.

There has been a substantial amount of consultation with the Inspection Services Department regarding the "flooding covenant" that is currently registered on title of the subject properties. The underground parking structure is located at an elevation that may be impacted by not only groundwater, but also potentially from overland water flow if either Okanagan Lake or adjacent Brandts Creek should flood.

Regarding the potential impact of groundwater on the foundation, the geotech consultant has recommended a de-watering system to control the infiltration of ground water. As a result of this amount of groundwater to be removed from the site, the applicant has had consultation with Works and Utilities Department staff and Parks staff, and have proposed to discharge this ground water to either the adjacent Brandt's Creek, or direct discharge into the nearby wetland. This use of this type of discharge has the potential to improve the water quality of Brandt's Creek by providing cooler water to cool the creek, and to improve water circulation in the Creek. By providing this discharge to the wetland, there will be an improved water flow into the wetland, which should in turn improve the water quality in the wetland.

The applicant has had discussions with Inspection Services Staff and the City Solicitor regarding the existing flooding covenant. It has been determined that the most appropriate means to deal with the proposed changes to the existing document is to register a new covenant on title, which contains a better description what can be cannot be stored in the parking garage, and that vehicles that are parked are not stored, but can easily be remove in the event of flooding.

This is not a rezoning application so the current practice of seeking 50% of the increased number of units for affordable housing does not apply. However, the applicant has volunteered to contribute $100,000.00 as seed funding for affordable housing (e.g. strategy or implementation plan).

In summary, the Planning and Development Services Department welcomes the investment in Kelowna's Downtown, especially on this key site near the Cultural District. The department also appreciates the effort the design team is making to achieve a showcase project. Therefore, the department supports this application, and recommends for positive consideration by Council.

Shelley Gambacort
Acting Manager of Development Services

Approved for inclusion

Mary Pynenburg, MRAIC MCIP
Director of Planning & Development Services

PMc/pmc
Attach.

Attachments

Subject Property Map
Schedule A, B & C (26 pages)